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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

OMOTOSHO, EMMANUEL

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/712,718	Applicant(s) BENBRAHIM ET AL.	
	Examiner EMMANUEL OMOTOSHO	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-16,19-28 and 31-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-16,19-28,31-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Amended Claims 1-5,8-16,19-28,31-36 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Originally presented claims 1-5,8-16,19-28,31-36 were directed to storing game fault/failure/crash data on a removable storage medium. This is classified in 463/43 Newly presented claims 1-5,8-16,19-28,31-36 now directed to a system that configures other gaming apparatus classified in 463/24,29.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, the new amendments are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5,8-16,19-28,31-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow et al. ("Morrow") US Publication No. 2004/0054952 A1 and further in view of Sarbin et al. ("Sarbin") US Patent No. 5,179,517.

Art Unit: 3714

3. Morrow discloses:

- a. Claims 1,12,23,33, 36: A gaming machine system comprising a display unit that is capable of generating video images (Fig 4), a value input device (Fig 4 Par. 0057), a storage device adapted to read from and write to a removable storage memory (Claim 100, 106 Page 2 Par. 0013).
- b. Claims 2-5,13-16,24-28 and 34: Morrow's Par. 0013 teaches that the removable storage memory (persistent memory) could either be a type DVD, CD, floppy, a removable hard disk, zip disk, flash memory or a hard card device.
- c. A controller operatively coupled to said display unit, said value input device and storage device said controller comprising a processor and a memory operatively coupled to said processor (Page 7 Par 0056-0059).
- d. Claims 1,12,23,33, 36: Said controller being programmed **to directly store** information regarding said gaming apparatus on said removable storage memory that is different from the memory coupled to the processor (Claim 100, 106 Page 2 Par. 0013 Page 7 Par 0056-0061).
- e. **The removable storage memory is a persistent storage media as shown in par 13. There is no requirement for the removable storage memory to be the same as the system's memory, the memory only needs to be "a persistent memory", please see par 13. The persistent storage memory does not have to be the system's memory, please see par 58. The Said gaming apparatus is operable when said removable storage memory is removed from said gaming apparatus (i.e. the recorded logged**

Art Unit: 3714

event does not affect the operation of the gaming machine, thus, removing the persistent memory in which the messages are stored will not affect the system).

f. Said gaming apparatus comprises crash data information selected by a casino operator, said crash data information resulting from a gaming apparatus failure. Since operating system, application system, mechanical and electrical components are part of the gaming system; the Examiner is interpreting the operating system failure, application software failure, a mechanical failure and an electrical failure/malfunction as error events that referred to as system events in Morrow's disclosure (Page 7 Par. 0057, Page 8 Par. 0061).

g. Claims 8-11, 19-22 and 31-32: Storing the pre-selected gaming apparatus data into a battery packed memory since battery packed memory are well known in the art to be persistent storage media.

h. Said memory coupled to the processor includes a transferable portion for storing said information regarding said gaming apparatus, and wherein said controller is programmed to transfer said transferable portion from said memory operatively coupled to said processor to said removable storage memory (Claim 99).

i. Said system comprising a plurality of gaming apparatuses being interconnected to form a network of gaming apparatuses (Page 7 Par. 0054)

4. Morrow fails to specifically disclose:

j. Said controller programmed to allow a person to make a wager

Art Unit: 3714

k. Said controller programmed to cause a video image representing a casino type game to be generated. Casino type game such as video poker, video blackjack, video slots, video keno, or video bingo

l. Said controller being programmed to determine a value payout associated with an outcome of said game

5. However, in a similar inventive environment, Sarbin discloses a gaming machine comprising a data transfer system that operates by collecting data (such as game machine malfunction data) from game machines and transferring said data to a portable memory medium such as a smart card (Abstract). Sarbin further disclose:

m. A controller programmed to allow a person to make a wager (Col 3 lines 35-40)

n. Said controller programmed to cause a video image representing a casino type game to be generated. Casino type game such as video poker, video blackjack, video slots, video keno, or video bingo (Col 3 lines 35 - 49)

o. Said controller being programmed to determine a value payout associated with an outcome of said game (Col 3 lines 35-42)

6. Morrow discloses that the invention is applicable to a casino type environment (Morrow's Fig 4, Page 1 Par 0003). It would have been obvious to someone of ordinary skill in the art to modify Morrow's system with Sarbin's teachings in a casino environment to collect gaming machine diagnostic related information for maintenance and system analyzation reasons.

Art Unit: 3714

7. Claims 25 and 35 are rejected under Morrow as shown above and further in view of Slot Machines.

8. Morrow as modified above teaches all of the present invention but fails to specifically teach wherein said controller is programmed to allow a user to select a number of paylines. However, a player of a slot machine is usually allowed to select a number of paylines based on the amount of coins wagered. For example, see Achmiller U.S. 5,725,428 col 5:19-21. It would have been obvious to one having ordinary skill in the art to allow a user to select a number of paylines during a play of a slot machine.

Examiner's Note

Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." **Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.**

Response to Arguments

9. Applicant's arguments filed 9/5/08 have been fully considered but they are not persuasive.

10. In regards to applicants argument that Morrow's gaming machine will fail to function once the removable storage medium is removed from the gaming machine, applicant should respectfully note that Morrow specifically teach that the events being monitored can be stored on the hard drive (i.e. where the operating system resides) or a removable persistent storage memory similar to that describe by the applicant in applicants specification par 48. Furthermore, Morrow teaches that these monitored events are events which are manually selected to be monitored. Events such as coin in error, divide by zero error, hard disk error and so forth. As one can obviously see, these selected events are error/fault events selected by a person (i.e. a casino system manager) by choice based on there particular objective. This is the same as applicants claimed invention presented in the claims and explained in par 47, 48 and 49 of the specification. In the said pars, the events stored on the persistent storage media are also system events selected by a person. Please see par 3d-f for further explanation.

11. In regards to applicants argument that par 13 of Morrow was taken out of context, applicant should further note that par 13 specifically describe a removable persistent storage media in exactly the same way shown in the applicant's specification. Par 58 specifically teaches that the monitored events could be stored on a removable persistent storage media. Par 13 was not taken out of context.

Art Unit: 3714

12. In regards to applicant's argument that the game related data stored on Sarbin's removable storage media are insufficient to diagnose the reason for the apparatus failure. However, applicant's claims are directed to storing game data related to crash/failure data. Whether Sarbin's crash data are insufficient or not is irrelevant at this stage since the claim language only calls for a crash data or data relating to a crash/failure event. Applicant will need to claim the specific information that makes up a crash/failure data since each claims under prosecution are subject to their broadest and reasonable interpretation.

Pertinent Prior Arts

13. Glerum et al. US 6, 708, 333 - recording crash/malfunction data on a removable memory

Response to Arguments

14. Applicant's arguments filed 4/7/09 have been fully considered but they are not persuasive.

15. On page 11, applicant argues, "It is understood that applicants' prior amendment filed on September 5, 2008 has not been entered. The action on the merits of the Final Rejection accordingly was on the claims as they stood prior to September 5, 2008. The amendment herein is to the claims as they stood prior to September 5, 2008. The phrase "element of a gaming system operatively coupled to a wagering gaming apparatus" which is supported at paragraph [0051] is not included in the present claims since in the opinion of the examiner that is directed to an invention that is different from that originally presented in the claims."

Art Unit: 3714

16. The examiner respectfully directs the applicant's attention to the final office action election requirement dated 12/08/08. It reads, "Newly presented claims 1-36 now claims storing an element of a gaming system operatively coupled to a wagering gaming apparatus **collected for configuring other gaming apparatus classified in 463/20,21.**" This limitation is still present in the current claim language.

17. On page 12, applicant argues, "The examiner points to paragraph [0013] in Morrow regarding a removable storage unit used in Morrow. The examiner then indicates that there is no requirement for the removable storage memory to be the same as the system's memory, citing par. [0013]. The examiner then hypothecates that a recorded logged event, not necessary to operation of the machine, can be stored on a removable persistent memory. However, it is respectfully pointed out that the paragraph is not teaching what the examiner hypothecates. Paragraph [0013] relates to paragraphs [0011] and [0012]. These paragraphs are describing the location of storage of the verification software (item 70) that is the primary focus of the invention in Morrow."

18. The examiner respectfully disagrees. As clearly pointed out above, par 56-59 clearly teaches that the system is capable of recording the event log on a memory (e.g. persistent memory) that is different from the system memory required for the gaming machine to remain operable. In fact, this event log memory need not reside in the same location as the gaming machine (see par 58). Again, the only event log memory storage requirement Morrow stipulates in the disclosure is that the memory be a persistent memory. The memory **does not** need to be the system's memory.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMMANUEL OMOTOSHO whose telephone number is (571)272-3106. The examiner can normally be reached on m-f 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO

/Ronald Laneau/

Primary Examiner, Art Unit 3714

06/05/09